

REMARKS

Claims 1-19 are pending in the present application. By this Amendment, claim 1 has been amended and claim 19 has been cancelled. No new matter is added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated July 31, 2006.

35 USC 112, First Paragraph, Rejection:

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

This rejection is respectfully traversed.

It is respectfully submitted that claim 1 has been amended to overcome this rejection. In addition, it is submitted that such amendments to claim 1 do not raise new issues, since the Examiner has already correctly acknowledged in the Office Action that the solid-state image sensor is included in the camera head and not in the front-end insertion section. Accordingly, withdrawal of this rejection is respectfully requested.

As to the Merits:

As to the merits of this case, the Examiner maintains the following rejections:

- 1) claims 1 and 3-19 stand rejected under 35 USC 103(a) as being unpatentable over Igarashi (U.S. Patent No. 5,902,232, of record) in view of Takahashi et al. (U.S. Patent No. 5,588,948, or record); and
- 2) claim 2 stands rejected under 35 USC. §103(a) as being unpatentable over Igarashi (U.S. Patent No. 5,902,232) in view of Takahashi et al. (US Patent No. 5,588,948) and in further view of Igarashi (U.S. Patent No. 5,954,634, of record).

Each of these rejections is respectfully traversed.

With regard to Applicant's argument that in Fig. 12 of Igarashi, the secondary image I_2 is formed in the grip section 5 and therefore Igarashi fails to disclose the features of claim 1 concerning that *the relayed image is formed between the relay optical system and the imaging optical system in the camera head*, the Examiner disagrees and asserts in lines 6-10 of page 2 of the Action:

See for example Igarashi figure 2 and column 10, lines 10-12. There Igarashi discloses that the image is formed in the vicinity of the near end 1b of the insertion section. The

examiner notes that the near end of the insertion section is between the relay lens L2 and the optical system or eye piece section. Therefore the rejection has been maintained.

However, it is respectfully submitted that the Examiner is clearly mis-characterizing the features of Igarashi, since a relay lens system is not included in the embodiment shown in Fig. 2 of the Igarashi reference.

More specifically, according to col. 8, lines 16-37 of Igarashi:

FIG. 2 shows an embodiment of the non-flexible endoscope according to the present invention. ... Rays coming from this image are incident directly, or **without passing through a relay lens system**, onto the objective lens disposed in the vicinity of the near end of the insert section. (Emphasis added.)

Further, with regard to Applicant's argument that Takahashi also fails to disclose or fairly suggest that the inserting section 2 and the operating/holding section 3 are detachable, the Examiner concurs. That is, the Examiner asserts in lines 11-15 that Igarashi, not Takahashi, discloses the claimed feature that *insertion section and the camera head are detachable* and directs our attention to column 8, lines 61-64 of Igarashi.

In addition, the Examiner asserts in lines 3-7 of page 4 of the Action that:

Igarashi (US 5,902,232) fails to specifically teach where the camera head includes a part of the relay optical system, Takahashi et al. does (Takahashi: Figure 1). Takahashi further discloses the front end insertion section includes the objective optical system, a remaining part of the relay system, and the imaging optical system (Takahashi: figures 1-2).

However, it is submitted that the Examiner is mis-characterizing the features of Takahashi, since as already explained in the previous response, in Takahashi, the operating/holding section 3 does not include a part of the relay lens. In other words, Takahashi does not teach a camera head that includes a part of the relay optical system.

Moreover, the image formed by the relay lens is not inside the operation/holding section 3. In Fig. 1 of Takahashi, the relay lens 6 is apparently in the insertion section 2 and the image of an object is formed in the last lens of the relay lens. Lens 9a (or 9b) forms an image of the image on the CCD 11a (or 11b). However, these lenses correspond to the imaging optical system in claim 1, not a part of the relay optical system.

The Examiner also asserts in lines 7-12 of page 4 of the Action that:

Since the relay optical system can be put together in many different methods including the method used in Igarashi (US 5,902,232), it would have been obvious to one of ordinary skill to, as long as the method included a camera head and relay optical lens system, include the relay optical system with the camera head in any order or method to use the same relay optical system and be able to remove a front-end insertion section.

However, as discussed above, neither reference, Igarashi and Takahashi, discloses or provide any suggest concerning including part of the relay optical system in a camera head. As such, it is submitted that the Examiner has failed to provide proper motivation for one of ordinary skill in the art to include part of a relay optical system in a camera head, and instead, the

Examiner is merely relying on the teaching provided in Applicant's own disclosure, which constitutes impermissible hindsight.

Moreover, even if, assuming *arguendo*, Igarashi and Takahashi are combined in the manner suggest by the Examiner, such combination would still fail to disclose or fairly suggest the features of claim 1 concerning *wherein said camera head includes a part of said relay optical system, said imaging optical system and said solid-stage image sensor, and the relayed image is formed between the relay optical system and the imaging optical system in the camera head, and wherein said front-end insertion section includes the objective optical system an, a remaining part of the relay optical system; and the insertion section and camera head are detachable.*

In view of the aforementioned amendments and accompanying remarks, Applicant submits that that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

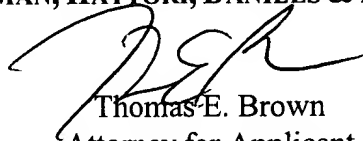
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response After Final
Application No. 09/893,677
Attorney Docket No. 010680

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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